

FILED

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RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

MELINDA HAAG (CABN 132612)
United States Attorney

J. DOUGLAS WILSON (DCBN 412811)
Chief, Criminal Division

BRIGID S. MARTIN (CABN 231705)
Assistant United States Attorney
1301 Clay Street, Suite 340S
Oakland, California 94612
Telephone: (510) 637-3680
FAX: (510) 637-3724
brigid.martin@usdoj.gov

Attorneys for the United States of America

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,)	CR 13-00625 YGR
)	
)	[PROPOSED] ORDER OF DETENTION
)	PENDING TRIAL
v.)	
)	
CARLOS LAMONT FOSTER,)	
)	
Defendant.)	

Defendant Carlos Lamont Foster is charged with being a felon in possession of a firearm, and possession with intent to distribute heroin, in violation of 18 U.S.C. §922(g) and 21 U.S.C. § 841(a)(1), respectively.

The government moved for the defendant's detention pursuant to 18 U.S.C. § 3142, and requested a detention hearing, as permitted by 18 U.S.C. § 3142(f). Given the nature of the crime charged, there is a rebuttable presumption that no conditions or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of any other person and the community. *See* 18 U.S.C. § 3142(e)(3)(A). On December 18, 2013, following a hearing pursuant to 18 U.S.C. § 3142(f), and considering the Pretrial Services bail study and oral proffers of counsel as

1 reflected on the record, and the factors set forth in 18 U.S.C. § 3142(g), the Court ordered the defendant
2 detained, as no condition or combination of conditions in 18 U.S.C. § 3142(c) will reasonably assure the
3 appearance of the defendant as required and the safety of any other person and the community.

4 Specifically, the presumption pursuant to 18 U.S.C. § 3142(e)(3)(A) had not been rebutted by the
5 defendant. The Court noted that the defendant's criminal history as reflected in the Pretrial Services bail
6 study and summarized by the government at the hearing, including a number of arrests while defendant
7 was on court supervision following previous convictions, demonstrates that the defendant would be a
8 danger to the community if released. The charged conduct and other recent activity by the defendant
9 proffered by the government are consistent with that history. Therefore, the defendant is ordered
10 detained as no condition or combination of conditions will reasonably assure the appearance of
11 defendant as required and the safety of any other person and the community.

12 The defendant may request a further detention hearing should his circumstances change at any
13 future time. *See* 18 U.S.C. § 3142(f).

14 The defendant is committed to the custody of the Attorney General or a designated representative
15 for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or
16 serving sentences or held in custody pending appeal. 18 U.S.C. § 3142(i)(2). The defendant must be
17 afforded a reasonable opportunity to consult privately with counsel. 18 U.S.C. § 3142(i)(3). On order
18 of a court of the United States or on request of an attorney for the government, the person in charge of
19 the corrections facility must deliver the defendant to the United States Marshal for court appearances.
20 18 U.S.C. § 3142(i)(4).

21
22 IT IS SO ORDERED.

23
24
25 DATED: January 7, 2014

26 
27 HON. DONNA M. RYU
28 United States Magistrate Judge